

**Notice of Allowability**

Application No.

09/829,082

Examiner

Natalia Figueroa

Applicant(s)

DENDA ET AL

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 25 July 2005.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 10 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **REASONS FOR ALLOWANCE**

### ***Allowable Subject Matter***

1. Claims 1-14 are allowed.
2. The following is an examiner's statement of reasons for allowance:

RE claim 1, the prior art of record, and in particular Kimura et al (US Pub. No. 2002/0099722 A1), fails to teach or suggest an information recording apparatus comprising a control device for controlling said recording device, only when said recording result is confirmed to be successful, so that content information that identical with said content information recorded on said first part said content information recording areas can be recorded on a second part of said content information recording areas, and when said recording results is confirmed to be unsuccessful, so that content information already recorded on the second part of said content information recording areas is maintained, without recording, on the second part of said content information recording areas, said content information that is identical with said content information recorded on said first part of said content information recording areas.

RE claim 5, the prior art of record, and in particular Kimura et al (US Pub. No. 2002/0099722 A1), fails to teach or suggest an information recording method comprising a control recording process of controlling subsequent recording to other parts of the content information recording areas only when said recording result is confirmed to be successful, so that content information that is identical with said content information recorded on said first part of said content information recording areas can be recorded on other parts of said content information recording areas, and when said recording results is confirmed to be unsuccessful, so that content information already recorded on the second part of said content information

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recording areas is maintained, without recording, on the second part of said content information recording areas, said content information that is identical with said content information recorded on said first part of said content information recording areas.

RE claim 7, the prior art of record, and in particular Kimura et al (US Pub. No. 2002/0099722 A1), fails to teach or suggest an information recording apparatus comprising a control device for controlling the recording device to only allow a subsequent recording of the location information on the next cluster to when the recording result is confirmed to be successful by the location information being identical with location information recorded on a most recently recorded one of the plural content information recording clusters, and to maintain, when said recording results is confirmed to be unsuccessful, the location information already recorded on the present cluster, without allowing the subsequent recording of the location information on the next cluster.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents are cited to further show the state of the art with respect to information recording.

- a) Yamanoi et al (USPN 6,839,311): Discloses an information recording apparatus.
- b) Aramaki et al (JP 10-144011): Discloses an information management file.

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c) Fikasawa (USPN 6,615,363): Discloses an information recording method.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (571) 272-7554.

The examiner can normally be reached on Monday - Thursday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NFM

  
**DAVID HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**